

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

KIMBERLY SEAMAN and)	
RAYMOND SEAMAN,)	
)	
Plaintiffs,)	
)	No. 3:10-CV-44
V.)	(GUYTON)
)	
GRADY HOWELL COOPER, II,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 6]. Now before the Court is Defendant's Motion to Bifurcate Trial [Doc. 10]. The Plaintiffs have responded and stated that they do not contest the Motion to Bifurcate [Doc. 11].

Jurisdiction in this case is based upon the diversity of the parties [see Doc. 1], and in diversity cases, federal law governs bifurcation, see Tuttle v. Sears, Roebuck, and Co., 2009 WL 2916894 (N.D. Ohio Sept. 4, 2009); Moss v. Assoc. Transp. Inc., 344 F.2d 26 (6th Cir. 1965). Pursuant to Rule 42 of the Federal Rules of Civil Procedure, "For convenience, to avoid prejudice, or to expedite and economize, the court may order a separate trial of one or more separate issues, claims, crossclaims, counterclaims, or third-party claims." Fed. R. Civ. P. 42(b).

In this case, the Defendant requests that the Court bifurcate the trial into two phases: first, a phase to determine liability, and second, a phase to determine the amount of any punitive damages. Tennessee state courts have adopted this framework, see Hodges v. S.C. Toof & Co., 833 S.W.2d 896, 901 (Tenn. 1992), and the courts within this District will often bifurcate trials in this manner, see, e.g., Rhea v. Brown Mfg. Corp., 2010 WL 2572052, at *3 (E.D. Tenn. June 18, 2010) (Phillips,

J.); Bowman v. Bulkmatic Trans. Co., Inc., 2010 WL 276100, *1 (E.D. Tenn. Jan. 15, 2010) (Varlan, J.).

Based upon the foregoing and the Plaintiff's lack of objection, the Court finds that the request to bifurcate of this trial into two phases– one in which to address liability and the other to address any punitive damages– is well-taken. Accordingly, the Motion to Bifurcate [**Doc. 10**] will be **GRANTED**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge